

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MIGUEL MOLINA,

Plaintiff,

v.

LAUREL R. HARRY, *et al.*,

Defendants.

No. 3:18-CV-01391

(Judge Brann)

**ORDER**

**AUGUST 25, 2020**

In accordance with the accompanying Memorandum Opinion, **IT IS  
HEREBY ORDERED** that:

1. Defendants' motion to dismiss, Doc. 41, is **GRANTED IN PART**;
2. The motion is **GRANTED** as to the Eighth Amendment conditions of confinement claims;
3. The motion is **DENIED** as to the First Amendment retaliation claim;
4. The Eighth Amendment conditions of confinement claims are **DISMISSED WITHOUT PREJUDICE** from the amended complaint; and
5. The Clerk of Court is directed to **DISMISS** from this lawsuit Defendants Scott Whalen, A. Maxwell, and Gregory Carbaugh.

BY THE COURT:

*s/ Matthew W. Brann*

Matthew W. Brann

United States District Judge